

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,)
) CASE NO. CR10-096-MJP
Plaintiff,)
)
v.)
) SUMMARY REPORT OF U.S.
GILBERT DEAN NEUMILLER,) MAGISTRATE JUDGE AS TO
) ALLEGED VIOLATIONS
Defendant.) OF SUPERVISED RELEASE
_____)

An initial hearing on supervised release revocation in this case was scheduled before me on February 13, 2013. The United States was represented by AUSA Ehren Reynolds for Jeff Backhus and the defendant by Lynn Hartfield for Nancy Tenney. The proceedings were digitally recorded.

Defendant had been sentenced on or about July 9, 2010 by the Honorable Marsha J. Pechman on a charge of Bank Fraud and Aggravated Identity Theft, and sentenced to 28 months custody, 5 years supervised release.

The conditions of supervised release included the standard conditions plus the requirements that defendant participate in substance abuse testing and treatment, abstain from

SUMMARY REPORT OF U.S. MAGISTRATE JUDGE AS
TO ALLEGED VIOLATIONS OF SUPERVISED RELEASE

01 alcohol, submit to search, pay restitution in the amount of \$38,407.67, participate in a mental
02 health program, provide his probation officer with financial information upon request, maintain
03 a single checking account for all financial transactions, be prohibited from opening new lines of
04 credit or incurring new credit obligations without permission, and be prohibited from
05 possessing any identification documents in any but his true identity. (Dkt. 27.)

06 On December 29, 2011, defendant admitted to violating the conditions of supervised
07 release by using alcohol, using opiates, failing to report a change of residence, failing to work
08 regularly at a lawful occupation, failing to participate in substance abuse treatment, and using
09 methamphetamine. (Dkt. 33.) Defendant was sentenced to 90 days in custody, 57 months
10 supervised release. (Dkt. 39.)

11 On June 29, 2012, defendant admitted to violating the conditions of supervised release
12 by failing to report to his probation officer within 72 hours of being released from BOP custody
13 and failing to participate in a residential reentry program by leaving without permission. He
14 was sentenced to 6 months in custody, 51 months supervised release, and directed to be
15 evaluated for inpatient drug treatment. (Dkt. 48.)

16 In an application dated February 12, 2013 (Dkt. 49, 50), U.S. Probation Officer Jennifer
17 J. Tien alleged the following violations of the conditions of supervised release:

18 1. Using oxycodone on or before February 9, 2013 in violation of standard
19 condition number 7.

20 2. Failing to participate in the residential reentry center (RRC) by being terminated
21 on February 12, 2013, in violation of the special condition that he reside at the RRC for up to
22 120 days.

01 Defendant was advised in full as to those charges and as to his constitutional rights.

02 Defendant admitted violations and waived any evidentiary hearing as to whether they
03 occurred. (Dkt. 51.)

04 I therefore recommend the Court find defendant violated his supervised release as
05 alleged in violations 1 and 2, and that the Court conduct a hearing limited to the issue of
06 disposition. The next hearing will be set before Judge Pechman.

07 Pending a final determination by the Court, defendant has been detained.

08 DATED this 13th day of February, 2013.

09
10 

11 Mary Alice Theiler
United States Magistrate Judge

12
13
14
15 cc: District Judge: Honorable Marsha J. Pechman
AUSA: Ehren Reynolds, Jeff Backhus
16 Defendant's attorney: Nancy Tenney, Lynn Hartfield
Probation officer: Jennifer J. Tien
17
18
19
20
21
22